

REFERENCE TITLE: vehicle title; registration; legal presence

State of Arizona
House of Representatives
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2007

HB 2466

Introduced by
Representative Pearce, Senator Gray L: Representatives Anderson, Biggs,
Senator Gray C

AN ACT

AMENDING SECTIONS 28-2051, 28-2059, 28-2157 AND 28-2163, ARIZONA REVISED
STATUTES; RELATING TO VEHICLE TITLE AND REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-2051, Arizona Revised Statutes, is amended to
3 read:
4 28-2051. Application for certificate of title; vision screening
5 test
6 A. A person shall apply to the department on a form prescribed or
7 authorized by the department for a certificate of title to a motor vehicle,
8 trailer or semitrailer. The person shall make the application within fifteen
9 days of the purchase or transfer of the vehicle, trailer or semitrailer. All
10 transferees shall sign the application, except that one transferee may sign
11 the application if both of the following apply:
12 1. The application is for the purposes of converting an out-of-state
13 certificate of title to a certificate of title issued pursuant to this
14 article.
15 2. The ownership or legal status of the motor vehicle, trailer or
16 semitrailer does not change.
17 B. The application shall contain:
18 1. The transferee's full name and either the driver license number of
19 the transferee or a number assigned by the department.
20 2. The transferee's complete residence address.
21 3. A brief description of the vehicle to be titled.
22 4. The name of the manufacturer of the vehicle.
23 5. The serial number of the vehicle.
24 6. The last license plate number if applicable and if known and the
25 state in which the license plate number was issued.
26 7. If the application is for a certificate of title to a new vehicle,
27 the date of sale by the manufacturer or dealer to the person first operating
28 the vehicle.
29 8. If the application is in the name of a lessor:
30 (a) The lessor shown on the application as the owner or transferee.
31 (b) At the option of the lessor, the lessee shown on the application
32 as the registrant.
33 (c) The address of either the lessor or lessee.
34 (d) The signature of the lessor.
35 9. If the application is for a certificate of title to a specially
36 constructed, reconstructed or foreign vehicle, a statement of that fact. For
37 the purposes of this paragraph, "specially constructed vehicle" means a
38 vehicle not originally constructed under a distinctive name, make, model or
39 type by a generally recognized manufacturer of vehicles.
40 10. If an applicant rents or intends to rent the vehicle without a
41 driver, a statement of that fact.
42 11. IF AN APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER
43 FEDERAL LAW, A STATEMENT OF THAT FACT.
44 ~~11.~~ 12. Other information required by the department.

1 C. Unless subsection B, paragraph 8 of this section applies, on
2 request of an applicant, the department shall allow the applicant to provide
3 on the title of a motor vehicle, trailer or semitrailer a post office box
4 address that is regularly used by the applicant.

5 D. A person shall submit the following information with an application
6 for a certificate of title:

7 1. To a vehicle previously registered:

8 (a) The odometer mileage disclosure statement prescribed by section
9 28-2058.

10 (b) If the applicant is applying for title pursuant to section
11 28-2060, the applicant's statement of the odometer reading as of the date of
12 application.

13 (c) PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT'S PRESENCE
14 IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW.

15 2. To a new vehicle:

16 (a) A certificate or electronic title from the manufacturer showing
17 the date of sale to the dealer or person first receiving the vehicle from the
18 manufacturer. Before the department issues a certificate of title to a new
19 vehicle, a certificate or electronic title from the manufacturer shall be
20 surrendered to the department.

21 (b) The name of the dealer or person.

22 (c) A description sufficient to identify the vehicle.

23 (d) A statement certifying that the vehicle was new when sold.

24 (e) If sold through a dealer, a statement by the dealer certifying
25 that the vehicle was new when sold to the applicant.

26 (f) PROOF SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT'S PRESENCE
27 IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW.

28 E. The department may request an applicant who appears in person for a
29 certificate of title of a motor vehicle, trailer or semitrailer to complete
30 satisfactorily the vision screening test prescribed by the department.

31 F. THE DIRECTOR SHALL ADOPT RULES NECESSARY TO CARRY OUT THE PURPOSES
32 OF THIS SECTION. THE RULES SHALL INCLUDE PROCEDURES FOR ALL OF THE
33 FOLLOWING:

34 1. VERIFICATION THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS
35 AUTHORIZED UNDER FEDERAL LAW.

36 2. ISSUANCE OF A TEMPORARY TITLE PENDING VERIFICATION OF THE
37 APPLICANT'S STATUS IN THE UNITED STATES.

38 3. PERSONS WHO ARE LICENSED OR AUTHORIZED BY THE DEPARTMENT TO PERFORM
39 TITLE AND REGISTRATION FUNCTIONS PURSUANT TO CHAPTER 10 OF THIS TITLE TO
40 COMPLY WITH THIS SECTION.

41 Sec. 2. Section 28-2059, Arizona Revised Statutes, is amended to read:
42 28-2059. Obtaining a certificate of title; revocation

43 A. If satisfactory proof of ownership AND SATISFACTORY PROOF THAT THE
44 APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED UNDER FEDERAL LAW is
45 furnished to the director, the director may issue a certificate of title for

1 a motor vehicle, trailer or semitrailer whether or not a certificate of title
2 has ever been issued for that motor vehicle, trailer or semitrailer.

3 B. If the director determines that an applicant for a certificate of
4 title to a motor vehicle, trailer or semitrailer is not entitled to a
5 certificate of title, the director may refuse to issue a certificate or to
6 register the vehicle and, after notice and a hearing, the director may revoke
7 a registration already acquired or an outstanding certificate of title. The
8 director shall serve the notice in person or by ~~regular~~ **FIRST CLASS**
9 mail. Within fifteen days after the date the notice is delivered or mailed,
10 the applicant may request a hearing.

11 Sec. 3. Section 28-2157, Arizona Revised Statutes, is amended to read:
12 **28-2157. Application for registration**

13 A. A person shall apply to the department for registration of a motor
14 vehicle, trailer or semitrailer on forms prescribed or authorized by the
15 department.

16 B. The application shall contain:

17 1. The name and complete residence address of the owner.

18 2. A description of the vehicle, including the serial number.

19 3. If it is a new vehicle, the date of sale by the manufacturer or
20 dealer to the person first operating the vehicle.

21 4. If the owner of the vehicle rents or intends to rent the vehicle
22 without a driver, a statement of that fact.

23 **5. IF THE APPLICANT'S PRESENCE IN THE UNITED STATES IS AUTHORIZED**
24 **UNDER FEDERAL LAW, A STATEMENT OF THAT FACT.**

25 ~~5-~~ **6.** Other facts required by the department.

26 C. The registering officer shall indicate on the face of the
27 registration application that the registrant may be subject to vehicle
28 emissions testing requirements pursuant to section 49-542.

29 D. On request of an applicant, the department shall allow the
30 applicant to provide on the registration of a motor vehicle, trailer or
31 semitrailer a post office box address that is regularly used by the applicant
32 and that is located in the county in which the applicant resides.

33 E. The person shall include with the application the required fees and
34 the certificate of title to the vehicle for which registration is sought.
35 The registering officer may waive the requirement that the applicant present
36 a certificate of title at the time of making an application for renewal if
37 the registering officer has available complete and sufficient records to
38 accurately compute the vehicle license tax.

39 **F. EXCEPT FOR VEHICLE REGISTRATIONS ISSUED PURSUANT TO ARTICLES 6, 7**
40 **AND 8 OF THIS CHAPTER AND SECTIONS 28-2154, 28-2154.01, 28-2155, 28-2156 AND**
41 **28-2325, AN APPLICANT SHALL INCLUDE WITH THE REGISTRATION APPLICATION PROOF**
42 **SATISFACTORY TO THE DEPARTMENT THAT THE APPLICANT'S PRESENCE IN THE UNITED**
43 **STATES IS AUTHORIZED UNDER FEDERAL LAW. THE DIRECTOR SHALL ADOPT RULES**
44 **NECESSARY TO CARRY OUT THE PURPOSES OF THIS SUBSECTION. THE RULES SHALL**
45 **INCLUDE PROCEDURES FOR BOTH OF THE FOLLOWING:**

1 1. VERIFICATION THAT THE APPLICANT'S PRESENCE IN THE UNITED STATES IS
2 AUTHORIZED UNDER FEDERAL LAW.

3 2. ISSUANCE OF A TEMPORARY REGISTRATION PENDING VERIFICATION OF THE
4 APPLICANT'S STATUS IN THE UNITED STATES.

5 ~~F.~~ G. The department may request an applicant who appears in person
6 to register a motor vehicle, trailer or semitrailer to complete
7 satisfactorily the vision screening test prescribed by the department.

8 ~~G.~~ H. A person applying for initial registration of a neighborhood
9 electric vehicle shall certify in writing that a notice of the operational
10 restrictions applying to the vehicle as provided in section 28-966 are
11 contained on a permanent notice attached to or painted on the vehicle in a
12 location that is in clear view of the driver.

13 Sec. 4. Section 28-2163, Arizona Revised Statutes, is amended to read:

14 28-2163. Cancellation of registration

15 A. The department shall cancel, suspend, revoke or deny the
16 registration of a vehicle ~~that it~~ AND SHALL RETRIEVE THE LICENSE PLATE AND
17 REGISTRATION CARD FOR THE VEHICLE IF EITHER:

18 1. THE DEPARTMENT determines THE VEHICLE is unsafe or unfit to be
19 operated or ~~that~~ is not equipped as required by law ~~and shall retrieve~~
20 ~~license plates and registration cards for these vehicles.~~

21 2. THE REGISTRANT'S OR LESSEE'S PRESENCE IN THE UNITED STATES IS NOT
22 AUTHORIZED UNDER FEDERAL LAW.

23 B. The department shall cancel the registration of a vehicle AND SHALL
24 RETRIEVE THE LICENSE PLATE AND REGISTRATION CARD FOR THE VEHICLE if the
25 person to whom the registration card or license ~~plates have~~ PLATE HAS been
26 issued makes or permits to be made an unlawful use of the vehicle or permits
27 the use of the vehicle by a person not entitled to the use.